

FILED FEB 12 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHAWN WILLIAMS,

Civil No. 01-812-AA
OPINION AND ORDER

Petitioner,

vs.

GUY HALL,

Respondent.

Kristina Hellman
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
Attorney for petitioner

John Kroger
Attorney General
Summer Gleason
Senior Assistant Attorney General
Kristen Boyd
Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096
Attorneys for respondent

AIKEN, Chief Judge:

The parties submitted a proposed discovery plan for jury interviews in accordance with this Court's Order of August 18, 2009 (doc. 136). This Order sets out the discovery plan as well as resolves any outstanding disputes between the parties.

(1) Timeline and Reporting to the Court

The Court agrees that a 120-day timeline for completion of the process of locating and contacting the 38 jury panel members, with written status reports submitted to the Court every 30 days, is reasonable.

(2) Proposed Search and Interview Methods

(A) Initial Stage Investigation

The parties agree that the Federal Public Defender (FPD) should conduct the investigation necessary to determine contact information for persons listed as potential juror witnesses.

(B) Initial Contact and Questioning

The initial juror contact and questioning may proceed as outlined by the FPD. All documents generated from this contact will be copied and provided to counsel for respondent.

The parties agree on all proposed questions for the juror witnesses, except two. See Petitioner's Ex. 4, Specific Questions for Jury Panel Members. The court will assume that the parties have reached agreement on proposed question no. 9 as counsel informed the court that they were working towards a

resolution on this question.

Proposed question no. 13¹ will be allowed with the caveat that this Court will exclude any information obtained by this question that exceeds the scope of the issues in this case, or in any way violates the province of jury deliberations.

Finally, proposed question no. 15 will also be allowed with the same caveat.

(C) Depositions

Upon identification of the juror witnesses, the FPD will then seek leave of the Court to conduct depositions. After receiving leave, the FPD will schedule depositions in conjunction with counsel for respondent. Counsel for respondent may be present for the depositions and may ask any questions they might have of the witness. Counsel for respondent may also contact and depose any of the juror witnesses not selected for deposition by the FPD.


(3) Cost

The Court authorizes the expenditure of \$1,000 for the investigation. Any further expense must be pre-authorized by the Court.

¹The parties refer to this disputed question as "no. 12," however, petitioner's "Specific Questions for Jury Panel Members," attached as petitioner's Ex. 4, lists this question as Question No. 13.

IT IS SO ORDERED.

Dated this 9 day of February 2010.



Ann Aiken
United States District Judge